


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99 • Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Project Permit 2015-87</p>
<p>In the Matter of the Application of</p> <p>HEARTWOOD FORESTLAND FUND IV LIMITED PARTNERSHIP</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: August 17, 2015</p>
	<p>To the County Clerk: This permit must be recorded on or before October 19, 2015. Please index this permit in the grantor index under the following names:</p> <p>1. Heartwood Forestland Fund IV Limited Partnership</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a proposed clearcut of a single unit of land of more than 25 acres in size in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Lyonsdale, Lewis County.

This permit shall expire unless recorded in the Lewis County Clerk's Office on or before October 19, 2015 in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is 53± acres, located north of Moose River Road in the Town of Lyonsdale, Lewis County, and in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Lyonsdale Tax Map Section 327, Block 1 as Parcel 1.100. The site is described in a deed from Great Eastern Timber Company, LLC to Heartwood Forestland Fund IV Limited Partnership ("permittee"), dated July 1, 2004 and recorded July 14, 2004 in the Herkimer County Clerk's Office at Book 941, Page 485.

PROJECT DESCRIPTION

The project as conditionally approved herein involves timber harvesting on 53± acres located within the applicant's 8,209 acre John Brown Tract. An overstory removal is proposed across the project site, based upon current stand conditions and desired outcomes, as follows.

The project site was last treated approximately 10 years ago using a shelterwood system. That treatment created a very uniform overstory presently dominated by red maple (30%), sugar maple (19%) and American beech, black cherry and yellow birch (36%). The prior treatment also resulted in abundant commercial regeneration, with the understory currently having 3100± stems per acre dominated by black cherry (44%), yellow birch (30%) and red maple (13%).

The overstory removal treatment calls for removal of all stems 10 inches or greater in diameter at breast height (dbh) and all unacceptable growing stock stems over 4 inches dbh, excepting retention of wildlife trees and stream buffers. The goal is to protect and release existing desirable regeneration, promote additional desirable regeneration and capture declining value. It is anticipated that 2000± stems per acre of acceptable commercial regeneration will remain in the residual stand following harvest.

A 4 acre portion of the project site will be treated with a group shelterwood establishment. This area is dominated by spruce/fir and red maple. Advanced regeneration exists in some patches, and is not present in others. The goal of this treatment is to encourage regeneration through removal of small groups of overstory trees.

The harvest boundaries will be field-delineated by a professional forester. A logging crew under contract to the project sponsor will carry out the harvest, with regular supervision by a professional forester. The harvest will utilize standard mechanized logging equipment capable of directionally felling and carrying large stems to protect advanced regeneration.

No new roads or landings are proposed. Minor maintenance is required to prepare the existing log roads and landing.

The project site and proposal are shown on a map entitled "Heartwood Forestland Fund IV John Brown Tract," prepared by LandVest, Inc., dated April 28, 2015 and stamped "Final Plans, Adirondack Park Agency, P2015-87, Date: June 23, 2015 (hereinafter the "site plan"). A copy is attached as a part of this permit for easy reference.

The timber harvest plan is described in a one page document entitled "HFFIV - Cherry Pickings Timber Sale Management Summary" and two forms entitled "TFG - NE Region - Pre-Project Harvest Supplement" and "TFG - NE - Region Pre-Project Checklist;" each stamped as received by the Agency on June 22, 2015 (collectively hereinafter, "the timber harvest plan"). The forest management plan is a document entitled "Forest Management Plan Heartwood Forestland Fund IV North Lake Tract," prepared by Landvest, Inc., dated March 2006 and stamped as received by the Agency on June 22, 2015 (hereinafter "the forest management plan").

AGENCY JURISDICTION

The project requires an Agency permit pursuant to Sections 809(2)(a), and 810(1)(e)(11) of the Adirondack Park Agency Act [Executive Law, Article 27], because it involves timber harvesting that includes a proposed clearcutting of a single unit of land of more than 25 acres on Resource Management lands.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Lewis County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the activities described herein continue on the site. Copies of this permit and the timber harvest plan shall be furnished by the permittee to all persons undertaking any of the activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act [Article 24 of the Environmental Conservation Law], and the Adirondack Park Agency's implementation regulations [9 NYCRR §§ 570-588].

Forest Certification Standards

4. Authorization for the proposal described herein shall only remain valid so long as the permittee maintains a current Forest Stewardship Council certification.

Forest Management Plan, Timber Harvest Plan and Best Management Practices

5. The harvest described herein shall be undertaken under the supervision of a professional forester. The professional forester shall ensure that the permittee and all contractors undertake the project in accordance with the forest management plan, the timber harvest plan, and that, where applicable, the standards contained within the "New York State Forestry Best Management Practices for Water Quality" are incorporated.

Post-Harvest Assessment

6. Within six months of completion of the timber harvesting proposal described herein, the permittee shall submit to the Agency a post-harvest assessment form which documents compliance with the timber harvest plan, forest management plan and best management practices.

FINDINGS OF FACT

Background/Prior History

1. The property is certified to the Forest Stewardship Council forest management certification. The current Forest Stewardship Council certification is valid until December 15, 2019.
2. The Agency recognizes that compliance with the Forest Stewardship Council certification program requires landowners to meet strict standards for forest management that include assured regeneration of harvested areas, establishment and maintenance of sustainable harvest yields, protection of soil and water resources including establishment of riparian buffers, attention to aesthetic impacts, conservation of biological diversity, and protection of species and habitats of concern.
3. The forest management plan and timber harvest plan include a physical description of the area and forest types as well as forest management goals, objectives and strategies. These plans address the maintenance and protection of biodiversity as well as conservation zones and protection areas. Implementation of "New York State Forestry Best Management Practices for Water Quality" and "LandVest Operational Guidelines (with the New York supplement)" are also included in these plans.

Existing Environmental Setting

4. The project site is situated within the applicant's 8,209 acre John Brown tract, approximately seven miles east of the Village of Lyonsdale, in the Town of Lyonsdale. The project site is located along the northern boundary of the John Brown tract and is bordered by the property line, Stony Creek to the south and Copper Creek to the west. A number of small private landowners along Copper Lake adjoin the project site to the north. The Black River Wild Forest and the Ha-De-Ron-Dah Wilderness Area are also nearby.
5. The project site is accessed via private access roads from New York State Route 28.
6. Meso-Soils mapping characterizes the soils on the project site as well drained and moderately well drained, within the Potsdam and Crary soil series. These are very deep soils formed in till.
7. The terrain across the project site is generally flat. There are no areas of steep slopes.

Wetlands and Water Resources

8. The harvest boundary has been delineated to avoid wetlands, but portions of the project site are located adjacent to Stony Creek and Copper Creek and their associated wetlands. No operations are proposed within these creeks or their associated wetlands.

Wildlife/Habitat

9. Mapping from the New York State Natural Heritage Program (NHP), indicates there are no rare plants, rare animals, or natural communities currently being tracked by the NHP on the project site.

Pesticide and Herbicide Use

10. No pesticide or herbicide use is proposed and no such use is authorized herein.

Hazardous Materials

11. Hazardous materials, including fuel, oil, and hydraulic fluid, will be managed in accordance with the New York State Forestry Best Management Practices for Water Quality, and New York State Department of Environmental Conservation regulations. This includes proper techniques for storage and disposal of hazardous materials, and appropriate response to spill remediation.

Historic Sites or Structures

12. According to mapping provided on the website of the New York State Office of Parks, Recreation and Historic Preservation, the project site is not located within an archaeologically sensitive area. There are no structures greater than 50 years old located on the project site.

Economic / Fiscal Factors

13. The resource extraction industry is an integral sector of New York State's economy. The forestry industry supplies raw materials to many State value-added producers including the paper, wood pellet, wood chip and furniture manufacturing industries.

Public Notice and Comment

14. The Agency notified landowners in the vicinity of the project site and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. No comments have been received.

Impairment of Rights

15. This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Invasive Species

16. As noted in the pre-harvest documentation, no invasive species have been identified on the project site. As part of its annual monitoring procedures, the permittee reviews invasive species monitoring, management and eradication protocols in accordance with its invasive species management policy. Prior to the commencement of this project the logging contractor and responsible forester will review the project parameters including recognition of invasive species, as well as rare, threatened or endangered species of concern. If the logging equipment to be used has recently been harvesting in an area known to contain concentrations of invasive species, mitigation measures will be implemented as necessary prior to use on the project site. These measures are appropriate and sufficient to address potential spread of invasive species.

PROJECT IMPACTS

Visual

17. The harvest area is situated within 8,209 acres of actively managed industrial timberlands. The visual impacts of the proposed harvest are consistent with existing visual impacts on these and nearby managed lands.
18. Portions of the project site may be visible from trails and heights of land on the adjacent public lands. Potential adverse visual impacts are minimal.

Wetlands and Water Resources

19. As outlined in the timber management plan, buffers have been established adjacent to wetland areas, wherein cutting and operation of machinery is limited. The permittee also applies the NYS Forestry Best Management Practices for Water Quality within these zones. These practices will minimize impacts to wetlands and water quality.

Soils/Erosion

20. Potential erosional impacts will be mitigated by application of the NYS Forestry Best Management Practices for Water Quality.

Wildlife Resources

21. Given a large acreage of nearby public land that is not harvested, this project will help maintain a mosaic of available habitats across the forested landscape to ensure existence of suitable habitat for both early and late successional dependent species.
22. The proposed retention of cavity, nest and den trees as well as standing snags will provide habitat for nesting birds, small mammals, and insects.
23. Buffers to wetlands and waterbodies will ensure that a minimally disturbed zone for wildlife access is maintained.

Historic Sites or Structures

24. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR § 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

Operational Issues Affecting Nearby Land Uses

25. The proposed timber harvesting will not result in any significant long term increase in traffic to and from the project site.


CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the economic and social benefits that might be derived therefrom.

Permit issued this 17 day
of August, 2015.

ADIRONDACK PARK AGENCY

BY: 
Richard E. Weber III
Deputy Director (Regulatory Programs)

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

On the 17 day of August in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

REW:ACZ:TSF:SLB:mlr

MARY L. REARDON
Notary Public - State of New York
Qualified in Franklin County
No. 01RE6114798
Commission Expires, August 23, 2016


489000

489500

490000

**HEARTWOOD FORESTLAND FUND IV
JOHN BROWN TRACT**

**HARVEST MAP
CHERRY PICKING
434-JB-34**

MAG  13.5°W

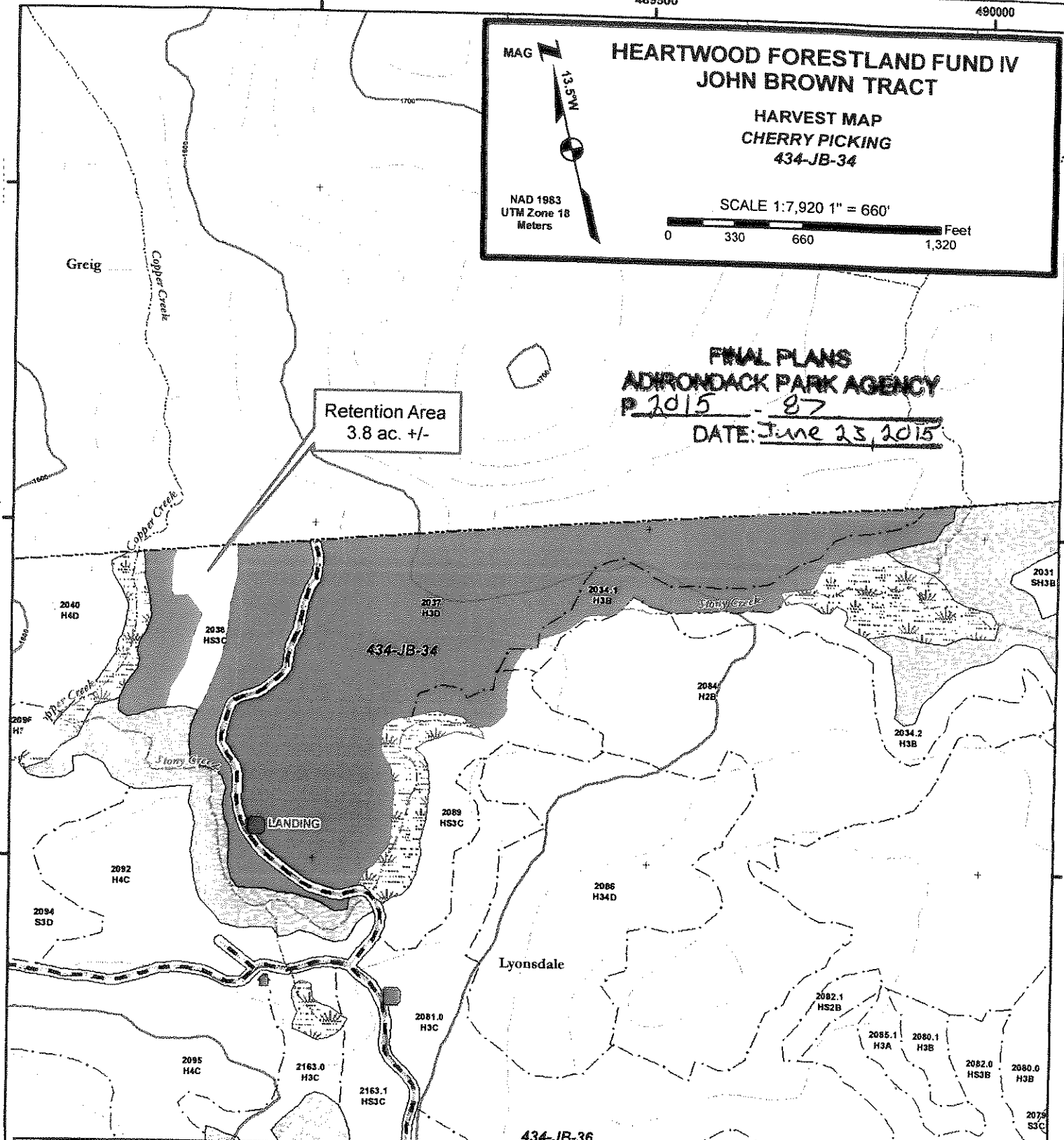
NAD 1983
UTM Zone 18
Meters

SCALE 1:7,920 1" = 660'

0 330 660 1,320 Feet

FINAL PLANS
ADIRONDACK PARK AGENCY
P 2015 - 87
DATE: June 23, 2015

Retention Area
3.8 ac. +/-



Town: LYONSDALE
County: LEWIS
Tract: JOHN BROWN
Forester: JES
FSC Cert. #: RA-FM-COC-000092
Contractor: MIKE LYNDAKER

SIGNIFICANT SPECIES/HABITAT REVIEW
DONE BY ETT ON 4/24/15
FINDINGS: NO NYNH8 ELEMENTS FOUND IN
EST AREA.

LandVest
Date: 4/28/2015

	ACTIVE HARVEST		COUNTY LINE
	COMPLETE HARVEST		TOWN LINE
	SUBJECT PROPOSED HARVEST		STREAM
	OTHER PROPOSED HARVEST		STAND LINE
	POSTPONED HARVEST		ADK BLUE LINE
	CLEARCUT		PAVED PUBLIC ROAD
	BOG		GRAVEL PUBLIC ROAD
	NON-COMMERCIAL		YEAR ROUND GRAVEL
	FLOWAGE		SUMMER ROAD (NO LIMITED GRAVEL)
	GRAVEL PIT		IMPROVED WINTER ROAD
	LANDING		UNIMPROVED WINTER ROAD
	WATER		CLUB TRAIL
	SMA RESTRICTED		SMD TRAIL/UNMAINTAINED ROADWAY
	SMA NO CUT		UNKNOWN ROAD SURFACE
	CAMP		20 FT CONTOUR
	GATE		100 FT CONTOUR

TYPE	X	Y
ACCESS PT	-75.10267	43.61407
LANDING	-75.13743	43.65033

STAND #	STRATA	OS_TYPE	SILV_PRES	ACRES
2034.1	H3AB	H3B	OSR	6.2
2037	H3D	H3D	OSR	45.0
2038	HS3C	HS3C	GSL	12.1
2089	HS3C	HS3C	OSR	1.6
TOTAL (acres derived from GIS)				64.9

